

Fiscal Services Division
Legislative Services Agency
Fiscal Note

HF 778 - Jail Contraband (LSB 1067 HV)

Analyst: Beth Lenstra (Phone: (515) 281-6301) (beth.lenstra@legis.state.ia.us)

Fiscal Note Version – New

Description

House File 778 expands the definition of the criminal offense of possessing contraband in correctional institutions to include possessing such contraband in a secure facility for the detention or custody of juveniles, a detention facility, or a jail. The Bill also imposes the \$125.00 law enforcement initiative surcharge on offenders convicted of possessing contraband.

Factual Background

1. In FY 2004, there were 33 charges for possession of contraband (Class D felony) and one failure to report the possession of contraband (aggravated misdemeanor). The conviction rate was 50.0%.
2. There are 97 jails operating in Iowa, 10 juvenile detention facilities, and 15 city holding facilities that would be covered under HF 778.
3. The State's cost for one new Class D felony conviction ranges from \$2,800 to \$12,000. This amount includes court costs, indigent defense, and supervision in the State corrections system, if applicable.
4. The prison incarceration rate for a Class D felony conviction is 42.3% for public order offenses. The average length of stay in prison is 13.0 months.
5. The jail incarceration rate for an aggravated misdemeanor conviction is 56.0% for public order offenses.
6. The marginal cost for county jail operations is approximately \$15.00 per day.
7. The collection rate for the law enforcement initiative surcharge is 20.5%. Receipts generated by the surcharge are deposited into the State General Fund.

Assumptions

1. The law will become effective July 1, 2005. A lag effect of six months is assumed, from the law's effective date to the date of first entry of affected offenders into the correctional system.
2. Juveniles who possess contraband will not be waived to adult court.
3. If each facility had a minimum of one charge per year, with a 50.0% conviction rate, there will be 60 new Class D felony convictions per year under HF 778. Using current incarceration rates, 26 of these offenders would be sentenced to prison while 34 offenders would be sentenced to probation.
4. The jail incarceration rate for a Class D felony conviction may be similar to the jail incarceration rate for an aggravated misdemeanor conviction.

Correctional Impact

During FY 2006, there will be 30 new Class D felony convictions under HF 778. Of these, 13 offenders will be sentenced to prison while 17 offenders will receive probation. During FY 2007, there will be 60 new Class D felony convictions. Of these, 26 offenders will be sent to prison and 34 will be placed on probation.

The prison population will increase by 13 offenders in FY 2006, 28 offenders in FY 2007, and 29 offenders by FY 2010.

Of the 34 offenders annually sentenced to probation, 19 may be held in county jails for approximately 28 days each.

Fiscal Impact

The estimated fiscal impact of HF 778 to the State General Fund is an increase in expenditures of approximately \$88,000 in FY 2006. The estimated fiscal impact in FY 2007 is approximately \$298,000.

The cost increase is significantly higher in the second year due to the average length of stay on supervision. New offenders will be placed on supervision, either prison or probation, while offenders from the previous year remain on supervision.

If 19 offenders annually are held in county jails for 28 days each, the increase in county jails is anticipated to be approximately \$8,000.

The above estimates are based upon one charge per year, per facility. Charging practices depend upon the county sheriffs and attorneys. If some facilities deal with more than one contraband incident per year, the correctional and fiscal impact will be greater than indicated in this fiscal note. If some facilities deal with less than one contraband incident per year, the correctional and fiscal impact will be less than indicated in this fiscal note.

The new revenue generated by imposing the law enforcement surcharge on contraband offenses is estimated to be no more than \$2,000 annually.

Sources

Department of Human Rights, Criminal and Juvenile Justice Planning Division
Department of Corrections
Office of the State Public Defender
Judicial Branch

/s/ Holly M. Lyons

March 16, 2005

The fiscal note and correctional impact statement for this bill was prepared pursuant to Joint Rule 17 and pursuant to Section 2.56, Code of Iowa. Data used in developing this fiscal note and correctional impact statement are available from the Fiscal Services Division, Legislative Services Agency to members of the Legislature upon request.
